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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,806	10/20/2003	Takeshi Arimitsu	03500.017647	6866
5514	7590	05/18/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, SUSAN SHUK YIN	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,806	Applicant(s) ARIMITSU, TAKESHI	
	Examiner Susan S. Lee	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it is too lengthy. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 1-7 are objected to because of the following informalities:

As to claim 1, lines 9-10, "said electrophotographic photosensitive drum" lacks antecedent basis.

As to claim 2, line 8, "the periphery" lacks antecedent basis.

As to claim 7, lines 12-13, "said electrophotographic photosensitive drum" lacks antecedent basis.

As to claim 7, line 26, "the main body" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubota (2003/0223772).

Kubota discloses an electrophotographic image forming apparatus (page 3, paragraph [0039]) with a mounting and dismounting guide mechanism for a process cartridge 2. The process cartridge 2 has a cleaning frame 14 or first frame body 14 supporting a photosensitive drum 11, cleaning means 13, and a charging roller 12; and a developing frame 24 or second frame body 24 supporting a developing roller 21, a toner containing portion 23a,. The second frame body 24 is supported for pivoted movement relative to the first frame body 14. The process cartridge 2 have a shutter 50 that moves from a protection position that is it covers a transfer opening portion 10b and an exposure opening 10a when the cartridge 2 is not inserted in the image forming

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apparatus. When it is mounted in the image forming apparatus, the shutter 50 is in a retracted position that is it uncovers the transfer opening portion 10b and the exposure opening 10a. An optical path where light beam L travels is located between the two frame bodies 14 and 24 as shown in Figs. 1 and 2. The shutter 50 have sliding portions 53 and 54 on the opposite ends of the rotary shaft 52. Sliding portions 53 and 54 sit rotatably on holes with opened portions (note Fig. 3). The sliding portions are disposed between the first frame body 14 and the second frame body 24 and on the outside of the optical path in the longitudinal path as shown in Figs. 1-3. A transporting system 3 feeds the recording medium P towards the transfer roller 4 for transferring the developed toner image onto the recording paper P. Note page 3, paragraphs [0040], [0046], [0049] ; and page 4, paragraph [0055].

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 1-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (2002/0131790).

Sato et al. discloses an electrophotographic image forming apparatus (page 3, paragraph [0057]) with attachment/detachment mechanism for a process cartridge B. The process cartridge B has a cleaning frame body 11d or first frame body 11d

supporting a photosensitive drum 7, cleaning means 11, and a charging roller 8; and a developing frame body 10f or second frame body 10f supporting a developing roller 10d, a toner housing portion 10a. The second frame body 10f is rotatably supported against pivoted movement relative to the first frame body 11d. The process cartridge B have a shutter 12 that moves from a protection position that is it covers a transfer opening portion 9a and an exposure opening 9b when the cartridge B is not inserted in the image forming apparatus. When it is mounted in the image forming apparatus, the shutter 12 is in a retracted position that is it uncovers the transfer opening portion 9a and the exposure opening 9b. An optical path where light beam from an optical system 1 (page 3, paragraph [0060]) travels is located between the two frame bodies 11d and 10f as shown in Figs. 1 and 2. The shutter 12 have sliding portions 12b1 on opposite ends of the rotating axis 12b. Sliding portions 12b1 sit rotatably on holes with opened portions (note Fig. 3). The sliding portions 12b1 are disposed between the first frame body 11d and the second frame body 10f and on the outside of the optical path in the longitudinal path as shown in Figs. 1-3. A conveying system 3 feeds the recording medium 2 towards the transfer roller 4 for transferring the developed toner image onto the recording paper 2. Note page 3, paragraphs [0061 – 0063] ; page 4, paragraphs [0070 – 0074] ; and page 5, paragraphs [0082 – 0084].

Allowable Subject Matter

Claims 5/1, 5/2, 6/5/1, and 6/5/2 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ikemoto et al., Lui et al., Watanabe et al., Karakawa et al. and Terada et al. disclose art in shuttle members for covering a drum supported by a cartridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852

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